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AUG 17 1999

**A SUMMARY OF SELECTED BILLS  
TRULY AGREED TO AND FINALLY PASSED  
By The  
90th General Assembly  
First Regular Session**



**Prepared By  
Office of State Courts Administrator  
July 1999**

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## INTRODUCTION

In their role of interpreting the statutes of Missouri, judges have a potential interest in almost any bill enacted. However, for this synopsis certain bills have been selected which appear to have a direct impact on the workload or procedures of the courts, or which appear likely to come to the attention of the courts within a short time. Some bills, which may provide for specific types of cases which are expected to be of low volume and therefore not of general interest, have not been included in this summary.

The individual summaries cover the major points of the bills or those sections that affect the courts, but they do not address every issue in each bill and should not be read as a substitute for reading the bill in the context of the entire chapter in the statutes.

Because of the disparate provisions in many of the bills, they have not been arranged by subject matter, but in numerical order. A table of contents is provided at the front of this document.

Except for the bills marked "vetoed," all bills included in this summary have been signed by the Governor. Signed bills become effective August 28, 1999, unless otherwise indicated. We have indicated the date signed on those bills with an emergency clause.

For a copy of any bill, please direct your request to:

Senate Bill Room  
State Capitol  
Jefferson City, Missouri 65101

House Post Office  
State Capitol  
Jefferson City, Missouri 65101

Staff of the Office of State Courts Administrator are willing to assist you in obtaining further information about any of the legislation.

## SENATE BILLS

### CCS HS HCS SS SCS SB 1, 92, 111, 129, 222 MULTIPLE COURT PROVISIONS

This legislation will modify responsibility for collecting fines and sheriffs' fees (§57.130 and §57.280); make changes in the residency rules for condemnation commissioners (§88.013 and §88.023); make a technical change in the conflict of interest statute as it relates to indirect conflicts of interest involving judges (§105.464); provide for juvenile/family court jurisdiction over juveniles found violating the tobacco law (§211.031); make changes in the law on termination of parental rights (§211.453); modify the juvenile appeal statute (§211.477); extend the sunset provisions of §351.025 and 351.065; make changes in the law on class action lawsuits in merchandising practices cases (§407.025); modify the law on parenting plans (§452.310); modify when child support obligations are presumed to end (§452.340); substitute standard court costs for the family access fee (§452.400 and 452.401); expand uses for the Domestic Relations Resolution Fund (§452.554); provide that any subsidies for adoptive parents also be made available to a qualified relative granted legal guardianship (§453.072); redistribute some of the surcharge funding the domestic relations resolution fund over a broader base at a reduced amount (§452.552); provide for enforceability of adult abuse orders without successful service and related changes (§455.035, §455.040, §455.045, §455.050, §455.067, §455.083); replace the local option surcharge (\$10) on dissolutions with a lower, wider based civil surcharge (\$3) (§455.205); make technical changes in the law on the Central Violations Bureau (§476.385); provide for a municipal judge to be appointed to the Judicial Resources Commission (§476.415); make technical changes to the law on commissioner retirement (§476.515); provide for retired commissioners to serve as senior commissioners (like a senior judge) (§476.681); modify the provisions for payment of senior judges and commissioners and require a minimum of 2 years' active service for future senior judges and commissioners (§476.681 and §476.682); make technical changes to the deaf interpreter statute (§476.760); require the state to reimburse for the travel of appellate and Supreme Court judges between their official station (home) and the court (§477.087); make clear that defendants' payments to drug courts for treatment costs are not considered court costs or fines (§478.001); place the Greene County probate commissioner under the judicial retirement plan (§478.268); change the basis for adding associate circuit judges based upon population after the 2000 census (§478.320); convert one of the 19th Circuit (Cole County) associate circuit judges to a circuit judge in January 2003 (§478.625); make changes in the domestic violence shelter surcharge provision (§479.261); permit the 11th Circuit (St. Charles) to substitute a reimbursable family court commissioner with a nonreimbursable family court commissioner, subject to appropriations (§487.020); amend the provision of transfer of criminal cases to family court to eliminate waiver and consent (§487.090); make a technical change in the way court costs are administered (§488.015); extend the state's payment of language interpreters and translators from criminal cases with felony conviction to all criminal cases and make the State Courts Administrator responsible for payment (§491.300); permit administrative postponement of jury service (§494.415); limit the number of days a prospective juror is required to attend court to 2 days unless selected (§494.445); authorize increased juror compensation (§494.455); give the judge flexibility on the number of alternate jurors (§494.485); modify the administration of prisoner litigation provisions in Chapter 506; provide for court costs in change of venue cases (§508.190); make technical recordkeeping changes in Chapter 511; modify the provision on waiver of costs in certain indigent cases (§514.040); remove the exemption for boats in the partition of property section (§528.620); expand who may challenge administrative rules (§536.053); eliminate round-robin payments of criminal costs where clerks bill the state for money due the state and, then when received, return the money to the state (§550.140, 550.240, 550.260); make a technical change in police training surcharges (§590.140); modify the law on public defender office space (§600.101); make a technical change in provisions dealing with sexually violent predators (§632.492); make a change in the St. Louis County Boundary Commission (§1); and provide for parenting plans in paternity cases (§2); and regulate the sale of structured settlements (§3-7).

## **CCS HS SS SCS SB 19 MOTOR VEHICLE PROVISIONS**

This legislation makes various changes to the current laws affecting registration, inspection, and insuring of motor vehicles. New, related, crimes are created. The legislation provides for a graduated drivers license; allows the parents of persons under 18 to file a request with Revenue not to issue a drivers license; expands the limited driving privilege restrictions, and creates the "Motorist Insurance Identification Database Act."

The legislation also increases the penalty for third and subsequent driving while revoked offenses; removes the population requirement from the provision providing for suspension of a license for failure to pay fines and/or costs; and makes some drivers license revocations permanent.

The legislation also provides a mechanism for Revenue to suspend the driver's license of certain persons who fail to pay personal property taxes. There are provisions for appeal to the circuit court.

The legislation makes changes in the law relating to motor vehicle financial responsibility. It requires an officer to issue a citation to an operator who fails to show proof of insurance. The legislation also adds a new clerk responsibility. The clerks must forward a report of conviction or orders of supervision within 10 days of the date of order or conviction. Finally, the legislation shifts the burden for suspension to the court and creates a new responsibility for the court, court-ordered supervision for convictions under the new law. 82.485, 82.487, 137.130, 302.177, 302.735, 303.041, 303.042, 303.043, 303.190, 304.170, 304.235, 306.400, 306.405, 306.410, 306.415, 306.420, 307.353, 307.355, 307.360, 307.365, 307.390, 374.070, 643.315, 643.335, 643.350, 643.355, 700.010, 700.015, 700.021, 700.025, 700.030, 700.035, 700.045, 700.050, 700.060, 700.090 and 700.100, RSMo 1994, and sections 32.080, 136.055, 301.025, 301.140, 301.142, 301.190, 301.191, 302.020, 302.060, 302.130, 302.171, 302.173, 302.181, 302.302, 302.304, 302.309, 302.321, 302.341, 303.024, 303.025, 303.026, 304.155, 304.156, 304.157, 304.158, 307.350, 307.366, 307.375, 307.400, 374.205, 643.310 and 700.040, RSMo Supp. 1998

## **CCS NO.2 HCS SCS SB 31 & 285 CAMPAIGN FINANCE/ETHICS COMMISSION**

This bill makes numerous changes in the campaign finance statutes. It contains a provision which would place a three-month deadline on the completion of complaint investigations by the Ethics Commission, except those complaint investigations assigned to a retired judge. 105.473, 105.955, 105.963, 130.031, 130.036, 130.046, 130.050, 130.056, 130.057 and 130.110, RSMo Supp. 1998, and both versions of section 130.041, as they appear in RSMo Supp. 1998

## **SB 237 ENDANGERING THE WELFARE OF A CHILD**

Current law requires a Juvenile Court to refer a matter to the prosecuting attorney when information available to the court suggests that a person has contributed to the delinquency of a minor. This bill changes the terminology to "endangering the welfare of a child" in order to be consistent with Missouri's Criminal Code. 211.421, RSMo 1994

## **CCS NO.2 HS HCS SB 291 CHILD SUPPORT COLLECTION**

### **Section 210.843**

Provides for the collection of child support by the payment center in paternity cases effective October 1, 1999.

**Section 452.340**

Provides a method to record credits for abatements in the center's records by DCSE. Clerks required to record the credit upon court order in a non IV-D case.

**Section 452.345**

1. Transfers the trusteeship for payments under judicial support orders from circuit clerks to the payment center but requires the clerks to continue to maintain non-payment information and credits on court ordered support cases.
2. Allows obligors and obligees to inform the payment center as an alternative to the clerks of name and address changes.
3. Provides a method to allow the division to pilot the payment center prior to 10/1/99 and to complete conversion of cases to the payment center over a period of time, if needed.

**Section 452.350**

1. Transfers collections under judicial income withholding orders from circuit clerks to the payment center.
2. No longer require employers to pro rata adjust payments between multiple court orders for the same obligor as the payment center will perform that function unless a direct income withholding order from another state is involved.

**Section 454.415**

Eliminates the circuit clerks as trustees for collection of child support in IV-D cases where support is assigned to the state of Missouri or another state effective October 1, 1999. Provides for payment to transfer to the center upon notice to the obligor by the division and such notice will in and of itself make the payment center trustee without an additional court order. Provides that support shall continue to be paid to the payment center when the assignment ends if payments are required to be made to the payment center. If payments are not required to be made to the payment center then the trusteeship reverts to the clerks.

**Section 454.430**

Eliminates the circuit clerks as trustees for collection of child support in IV-D cases effective October 1, 1999 and notice by the division will in and of itself make the payment center trustee without an additional court order. Payment center then to collect and disburse payments.

**Section 454.432**

Provides authority for the division to record payments and credits for child support received by the center. In non IV-D cases the clerk is required to enter credits which are not for payments received by the center or the division.

**Section 454.433**

Provides the authority for the division to make the payment center trustee to collect child support in IV-D cases when an order from another state directs payment to a Missouri trustee.

**Section 454.460**

Changes the definitions section to expand the definitions to cover the payment center.

**Section 454.495**

1. Provides that the payments made under administrative orders shall be sent to the payment center.
2. The administrative order shall by itself authorize the payment to the center to receive and record payments.



**Section 454.505**

1. Provides for payments under an administrative withholding order to be made to the payment center.
2. No longer require employers to pro rata adjust payments between multiple court orders for the same obligor as the payment center will perform that function unless a withholding order received directly from another state is involved.

**Section 454.520**

Allows for payments to the center to be considered as a payment to a trustee for the purposes of the child support interest statute.

**Section 454.530**

1. Establishes the family support payment center for the collection of child support on or before October 1, 1999. The center will collect and disburse child support for:
  - (1) all cases being enforced by the division of child support; and
  - (2) all cases with an income withholding and in which the support order is initially issued on or after 1/1/94.
  - (3) Beginning 7/1/01 all other cases.
2. Allows for the center to be operated by a contractor and requires contractor to be audited annually by CPA. Provides for the division of child support enforcement to order payments to be made to the unit.
3. Provides that payments be processed within two business days of receipt as required by federal law. Defines business day to be a day state government offices are open.
4. Requires that the center provide for electronic transfer of payments to and from the center.

**Section 454.533**

1. Creates the Family Support Trust Fund in which to deposit the child support paid to the unit. Any interest earned by the fund to be deposited into general revenue.
2. Child support collected is deemed not to be state revenue.
3. Requires payment center to keep accurate records and requires the payment records to be open for inspection by state and federal employees.
4. Creates authority for the state treasurer to refund and adjust the fund for erroneous payments or overpayments to the state.

**Section 454.536**

1. Provides for the maintaining of records of collections and disbursements.
2. Provides for the transfer of trustee records previously maintained by circuit clerks.
3. Allows for the adjustment of the payment records for credits for abatements, etc.

**Section 454.539**

1. Provides for the admissibility of copies of the center's payment and disbursement records in judicial and administrative proceeding.
2. Provides for the certification of the records by the division's, the center or clerk's employees.

**Section 454.542**

Provides a method to furnish the center's records in response to subpoenas.

**Section 454.545**

Provides that copies of judicial records can be admitted to administrative proceedings.

**Section 454.548**

Allows a \$10 per year charge on non-TANF cases. The fee is to reimburse the state for the cost associated with processing the payments.

**Section 454.551**

1. Allows the payment center to not accept personal checks from obligors but allows other payers, for example, employers, to use company checks.
2. Allows a \$25 fee for insufficient fund checks to reimburse the state for the costs of processing the insufficient fund check and provides a method to require certified checks in the future.

**Section 454.554**

Provides for the division or circuit clerk to send a notice to an obligor or employer to direct payments to the center and a second notice for failure to comply. Thereafter contempt can be sought against an employer who fails to comply.

**Section 454.557**

Provides a method for the division to terminate accrual of child support in the center's records when support is no longer due.

1. The division in IV-D cases with an administrative order establishing support can conclude the accrual of support and enforcement of the order prior to the child reaching age 22. Either the obligor or obligee can dispute the division's determination through an administrative hearing and subsequent judicial review.
2. A court in any case can terminate the accrual of support prior to the child reaching age 22.
3. At age 22 support stops accruing unless a court order requires support beyond age 22. Either the obligor or obligee can dispute the division's determination on the basis that the child is not 22 or a court order requires payment beyond 22.
4. This section does not effect unpaid support.

**Section 454.559**

Allows the division to request that a court order payment to the unit.

**Section 454.560**

Allows the center to endorse checks when, in error, the check is made payable to the wrong payee.

**Section 454.565**

Requires the division to report yearly to the General Assembly regarding the payment center beginning 12/1/2000.

**Section 454.810**

Amends the section on automated records to conform to the payment center.

**Section 483.163**

Allows the circuit clerk to cooperate with prosecuting attorneys regardless of trustee status.

**Section 516.350**

Amends the statute of limitations for child support to allow for payments to the payment center to be considered payments on the record.

**This bill has an emergency clause.**

210.843, 454.430, 454.520, 454.810 and 516.350, RSMo 1994, and sections 452.340, 452.345, 452.350, 454.415, 454.432, 454.433, 454.460, 454.495, 454.505, 454.530 and 483.163, RSMo Supp. 1998

This summary was provided by Paul Keller, Division of Child Support Enforcement

## **CCS SB 294 MOTORCYCLES/DRIVING WHILE REVOKED**

Changes the law to require that only persons under twenty-one years of age must wear protective headgear when riding on a motorcycle, and requires motorcyclists to provide proof of financial responsibility. The bill also makes it a class D felony for the second or subsequent conviction of driving while revoked. 302.020 and 302.321, RSMo Supp. 1998

## **CCS/HSCHS SCS SBs 308 & 314 STATE EMPLOYEES' RETIREMENT**

This act makes significant changes and revisions to the following public employee retirement systems: Missouri State Employees Retirement System, County Employees Retirement System, St. Louis Police Retirement System, St. Louis Fire Retirement System, Public School Retirement System and Nonteacher Retirement System.

**MISSOURI STATE EMPLOYEES RETIREMENT SYSTEM (MOSERS)** - A new plan, the "Year 2000 Plan", is phased in and applies to all new employees after July 1, 2000, and to current employees and retirees who opt into the plan. Any member of MOSERS employed by the State prior to July 1, 2000, will stay in the current plan unless the member chooses to opt into the new Year 2000 Plan. Such current employees and retirees will receive a comparison of benefits from MOSERS to help assist them in deciding whether to opt into the new plan.

### **THE FOLLOWING MAJOR CHANGES ARE MADE TO THE CURRENT STATE EMPLOYEE RETIREMENT PLAN:**

- (1) **UNREDUCED JOINT AND 50% SURVIVOR OPTION** - Several categories of survivors, former deferred vested members, and members who retired and then became reemployed, who were not made eligible for the unreduced joint and 50% survivor option in 1997, are now eligible for that benefit. In some instances, a lump-sum payment is also provided;
- (2) **PURCHASE OF SERVICE** - All members may purchase up to 4 years of nonfederal public service;
- (3) **OTHER PROVISIONS** - Certain retirees may elect a survivor option if they were married for at least a year before they make the election and make such election within 6 months of circumstances detailed in the act; and
- (4) **JUDGES AND ADMINISTRATIVE LAW JUDGES** - Additional provisions regarding normal administrative law judge retirement eligibility begins at age 62 with 12 years service and at age 60 with 15 years service and includes former administrative hearing commissioners. Normal retirement for judges may begin at age 55 with 20 years of service.

**THE FOLLOWING IS A SUMMARY OF THE NEW "YEAR 2000 PLAN", WHICH WILL APPLY TO ALL NEW EMPLOYEES HIRED ON OR AFTER JULY 1, 2000, AND OTHER ELIGIBLE PERSONS WHO OPT INTO THE NEW PLAN.**

**YEAR 2000 PLAN** - The year 2000 plan will apply to new employees who begin work on or after July 1, 2000; persons currently covered by MOSERS and the Transportation Department and Highway Patrol Retirement System (HEHPRS), both active employees and those already retired, will be given comparison information about the existing and new plans and will be allowed to choose the Year 2000 Plan if they wish. The major provisions of this new plan are:

- (1) Eligibility when age plus years of service equals 80, or age 62 with 5 years of service, as opposed to age 65 with 5 years of service under the current plan;
- (2) A multiplier of 1.7% of final average pay times years of service, as opposed to the current 1.6%;

- (3) A temporary annuity multiplier of 0.8% for persons retiring under "80 and out" that raises benefits until early Social Security benefits are available (age 62);
- (4) Eligibility for early retirement at age 57 with 5 years of service, as opposed to the current age 55 with 10 years of service;
- (5) Four survivor benefit options that reduce the annuity during the retiree's lifetime: 50% benefits to the surviving spouse; 100% benefits to the surviving spouse; 120 monthly payments to a beneficiary; 180 monthly payments to a beneficiary;
- (6) Cost-of-living increases of 80% of the increase in the consumer price index, a maximum of 5% (no minimum percentage, which is the same as for the current plan for members hired after August 28, 1997);
- (7) For members of the General Assembly at age 55 having at least 4 years of service, benefits of 1/24 (4.17%) of monthly pay times years of credited service and a rate of \$150 per month times the number of general assemblies served. For all members, a cap of 100% of pay is placed on the retirement benefit, and benefits under the current and new plans are not payable to any member serving on or after August 28, 1999, based on services after that date, who is convicted a felony while in the performance of duty. The elected officials benefit formula and age and service requirements are the same as the General Assembly with a 12 year limitation; and
- (8) Members with 10 or more years of service may receive credit for any public service and will forfeit their rights to benefits under the former plan when transferred.

**BOTH STATE EMPLOYEE PLANS** - At the present time state employees are entitled to \$15,000 of life insurance. This life insurance shall provide for triple indemnity in the event that an employee's death is the result of a personal injury or disease arising out of and in the course of actual performance of duty as a state employee. A duty-related death benefit of 50% of final average pay is established.

**EFFECTIVE DATES AND EMERGENCY CLAUSE** - The act contains an emergency clause for teachers and firemen and a January 1, 2000, effective date for the County Employees Retirement Sections. The effective date for the MOSERS NEW PLAN is July 1, 2000. August 28, 1999, is the effective date for the remainder of the bill.

This summary was excerpted from the Senate's Internet site.

## **SCS SB 328, 87, 100 & 55 VARIOUS CRIMINAL OFFENSES**

This legislation repeals current provisions regarding the crimes of ethnic intimidation, first and second degree, and replaces them with enhanced sentencing provisions which carry the same penalties, and creates the crime of involuntary manslaughter in the second degree, a Class D felony. This bill also establishes the crime of leaving the scene of a shooting without notifying law enforcement, a Class A misdemeanor for a first offense and a Class D felony for a second and subsequent offense. The bill creates the crime of identity theft, punishable by up to six months in jail for the first offense; up to one year for the second offense; and one to five years for the third or subsequent offense. The court may also impose a fine to cover restitution to the victim.

The bill also removes the provision that allows a circuit court to modify the decision of the Conservation Commission disciplining a hunting licensee for inflicting injury with a firearm or other weapon on another person while hunting.

The bill creates a crime of fraudulent use of a debit device. A debit device is defined as a card, code, number or device that initiates an electronic transfer. The crime is punishable as a Class A misdemeanor, unless the value of property or services misappropriated within a 30 day period equals \$150, which increases to a Class D felony. 565.024, 570.010, 570.130, 574.090 and 574.093, RSMo 1994, and section 252.043, RSMo Supp. 1998

## **SB 329 DISSOLUTION INVOLVING CHILDREN**

In any action for dissolution of marriage involving minor children, the court may order counseling for such children. The court may assess and apportion the costs of child counseling between the parties.

## **CCS HS HCS SS SCS SB 335 SENTENCING GUIDELINES**

This bill: (1) Removes the provision that allows a defendant to receive a reduction in punishment when the penalty is reduced by statute enacted after the offense was committed but before the defendant is sentenced; (2) Requires the Joint Committee on Corrections to notify the Governor of its required long-range studies for the Governor's review and selection of correctional facilities; (3) Makes changes to statutes relating to the sale of cigarettes; (4) Requires the Board of Probation and Parole to provide the judge with available alternatives to incarceration in all felony cases in which sentence guidelines recommend probation but the prosecuting attorney does not. The bill requires that presentence investigations include the recommended sentence established by the Sentencing Commission, a description of the impact of the crime on the victim, and available alternatives to incarceration; (5) Requires the Public Service Commission to promulgate rules concerning the advertisement and sale of merchandise through telemarketing; (6) Adds institutions under the Director of the Division of Credit Unions to the class of institutions that are not included in regulations concerning unlawful practices in trade and commerce provisions; (7) Prohibits the Department of Public Safety from issuing funds to law enforcement agencies receiving funds under the federal forfeiture system when the agencies do not acquire and provide a yearly audit of federal funds received; (8) Reduces the maximum penalty for a class D felony from 5 to 4 years, and increases the maximum penalty for a class C felony from 7 to 8 years; (9) Changes the definition of "persistent offender" to include 2 or more felony convictions in addition to one unrelated previous prison commitment. The previous definition included only persons who had pleaded guilty to or had been found guilty of 2 or more felonies. The bill also changes the definition of "dangerous offender" to an individual who has had one or more previous prison commitment for certain felonies. The previous definition included only individuals who had pleaded guilty to or had been found guilty of certain felonies; (10) Limits the definition of "prior prison commitment" so that it does not include commitments following the revocation of probation subsequent to commitment for up to 120 days. The bill allows courts to lower or exceed sentences recommended by the Sentencing Commission, and does not allow any appeal to lie from the court's decision whether to impose the commission's recommendations. The bill also allows the court to have discretion to deviate from recommended guidelines in all cases involving violations of Chapter 195, RSMo, but requires the court to enter written findings. The findings must be sent to the Sentencing Commission and made part of the offender's record. Failure to enter written findings in these cases authorizes the board to adjust the sentence to bring it into compliance with the sentence guidelines. The bill also allows the court to consider various restorative justice methods if it suspends the imposition or execution of any sentence; (11) Allows the court to order a defendant as a condition of probation to pay money to a county law enforcement fund; (12) Requires detention to be a condition of probation, instituted by order of court or at the discretion of the Board of Probation or Parole, which is not to exceed 120 days; (13) Allows persons convicted of statutory rape in the first degree and statutory sodomy in the first degree, who have no prior convictions for either crime, to be eligible for assessment by the sexual offender treatment unit of the Department of Corrections; (14) Expands the statutes concerning required educational assessment and community treatment programs to include individuals who have committed alcohol-related offenses. The required educational assessment and community treatment program may be mandated after a presentence investigation is ordered or after the Board of Probation and Parole places the individual under supervision. The program may also be required after 2 or more alcohol-related offenses involving a vessel. A substance abuse traffic offender program may be required in lieu of the required educational assessment and community treatment program in cases of driving while intoxicated offenses; (15) Repeals the crimes of pharmacy robbery in the first degree and pharmacy robbery in the second degree; (16) Adds the alteration or reproduction of receipts, price tags, or price code labels as evidentiary matters which can be considered when stealing is alleged; (17) Increases the value of property that cannot be ascertained for purposes of stealing statutes from \$150 to \$500. The value of property stolen that constitutes a class C felony is decreased from \$750

to \$500. The bill increases the value of materials used in the manufacture of methamphetamine from \$150 to \$500 for a class D felony, and adds the attempted theft of any amount of anhydrous ammonia as a class D felony; (18) Makes stealing or receiving stolen property a class D felony when it is subsequent to 2 or more stealing or receiving stolen property offenses; (19) Makes carrying a firearm or weapon capable of lethal use into a school or onto a school bus a class C felony, unless the individual is participating in a school-sanctioned, firearm-related event. The bill also makes changes exempting qualified former peace and reserve officers, state court judges, prosecuting attorneys, and circuit attorneys from certain weapons prohibitions; (20) Makes it a class A misdemeanor for persons to violate ordinances adopted by counties requiring background checks of adult cabaret employees (Section 573.503). The bill also makes it a class A misdemeanor for an individual under the age of 21 to be employed as a dancer in an adult cabaret, or for a proprietor to hire such an individual; (21) Adds "aggravated offender" as an intoxication-related offense. An aggravated offender is a person convicted of 3 or more driving while intoxicated offenses with one felony conviction, all occurring within 15 years. It is a class C felony; (22) Creates the crime of leaving the scene where a shooting has occurred. Leaving the scene of a shooting is a class A misdemeanor except that it is a class D felony if the person has pled to or been found guilty of a prior leaving the scene violation. The bill also authorizes certified peace officers and reserve peace officers to make investigations concerning allegations of leaving the scene of a shooting; (23) Requires certain drug offenders to register with the chief law enforcement officer of the county within 10 days of residing in the county. The bill also authorizes the Department of Public Safety to develop a system for registering on the Internet individuals who have pled guilty to or been convicted for a third or subsequent sexual offense and have demonstrated predatory sexual behavior; (24) Prohibits the use of tobacco products by July 1, 2000, in the buildings of all correctional centers of the Department of Corrections (Section 1); and (25) Makes a number of changes to regulations concerning telemarketers. Violation of these bill's provisions is a class D felony. 1.160, 149.011, 149.071, 217.760, 513.653, 558.011, 558.016, 569.025, 569.035, 570.020, 573.503 and 577.023, RSMo 1994, and sections 21.455, 392.540, 407.020, 558.019, 559.021, 559.026, 559.115, 559.630, 559.633, 559.635, 570.030, 570.040, 571.030, 589.400, 589.410, 589.414 and 589.425, RSMo Supp. 1998

## **HCS SCS SB 386 FINANCIAL INSTITUTIONS**

This bill provides statutory changes for financial institutions, and changes involving certain trusts. It also contains the following provisions:

### **Section 483.310**

Allows a circuit court to have funds collected by the court clerk, other than court costs, deposited in savings deposits of credit unions. The funds may only be placed in investments permitted by the State Treasurer under constitutional provision. Deposits in excess of federal deposit insurance limits must be secured by government securities or in accordance with the State Treasurer's requirements.

### **Section 511.030**

Allows court judgments to include affirmative or other relief for plaintiffs as well as for defendants. If a minor or disabled person is entitled to judgment, the court is authorized to direct or ratify any transaction for the person's physical or financial needs.

### **Section 2**

Prohibits any person from knowingly making or causing to be made a false statement or obtaining unauthorized person identifying information of another person to procure or use a credit card or debit card. Violation of the provisions is a Class A misdemeanor.

95.530, 164.161, 362.247, 362.680, 362.925, 362.930, 365.010, 365.020, 370.107, 374.070, 375.1205, 375.1220, 379.316, 379.321, 379.425, 379.888, 456.040, 475.092 and 511.030, RSMo 1994, and sections 143.471, 165.051, 362.077, 362.275, 362.550, 362.610, 374.205, 400.3-312, 456.520, 475.093, 483.310 and 620.010, RSMo Supp. 1998,

## **HS HCS SCS SB 387, 206 & 131 PUBLIC ASSISTANCE/GUARDIANS**

This bill relates primarily to public assistance programs. It also provides that, in addition to the current jurisdictions, the venue for the appointment of a guardian or conservator may be in a Missouri county with prior and continuing jurisdiction over a minor in question (§475.035). 208.040, 208.070, 210.001, 210.170 and 475.035, RSMo 1994, and sections 167.126, 167.171, 208.029 and 210.150, RSMo Supp. 1998

## **HOUSE BILLS**

### **HB 103 NUISANCE PROPERTY**

Allows petitioners to file nuisance actions for deteriorated property in Kansas City and St. Louis in circuit court instead of small claims court. 82.1025, RSMo Supp. 1998

### **SS NO 2 SCS HB 191 RELEASE OF HIV INFORMATION**

This bill makes revisions in health insurance provisions. It also revises provisions concerning the disclosure of an individual's HIV infection status or test results.

Courts can grant orders for disclosure of confidential HIV information to specified persons who document a compelling need to adjudicate a legal proceeding; a clear and imminent danger to an individual at risk of infection; or a clear and imminent danger to public health. Persons who are lawfully authorized can receive the HIV information. The bill also specifies the procedures for the issuance of the court order, the response of the parties to the court order, and the content of the court order. 191.656, 376.779, and 376.811, RSMo 1998

### **HB 242 LANDLORD/TENANT**

Provides that a court date must be assigned at the time the summons is issued; the court date must be set within 21 business days from the date the summons is issued unless the plaintiff consents to a later date; and the summons must be served at least 4 days before the court date specified in the summons. 534.070, RSMo 1994, and sections 534.090 and 535.030, RSMo Supp. 1998

### **HB 257 VIDEO APPEARANCES**

Expands the law relating to video court appearances to all counties. 561.031, RSMo 1994

### **HB 327 CRIMINAL COMPETENCY**

Persons who have been acquitted because of a mental disease or defect who are in the custody of the Department of Mental Health and are denied an application for a conditional release shall not be eligible to file for an unconditional release until the expiration of one year from such denial. 552.040, RSMo Supp. 1998

#### **HB 328 CRIMINAL COMPETENCY**

Requires the clerk to furnish a copy of any judgment of order of commitment to the department of mental health to the criminal records central repository. Also requires the judgment to state the offense the defendant was acquitted of when the acquittal was because of a mental disease or defect. 552.030, RSMo 1994

#### **CCS SCS HCS HB 348 JUVENILE SEX OFFENDERS**

Creates procedures for registration of juvenile sex offenders, similar to that now in place for adults. There are requirements for juvenile offices, courts and state agencies having custody of juveniles. Persons seventeen and older who violate the provisions of the law are guilty of a class A misdemeanor. Chapter 211

#### **HB 359 ENDANGERING THE WELFARE OF A CHILD**

Same as SB 237 above.

#### **CCS SCS HB 368 PUBLIC OFFICIALS SALARIES**

This bill pertains mainly to salary schedules for public officials. It also contains a provision that provides that judges should be reimbursed for actual and necessary expenses when attending the annual Judicial Conference. 105.005, 105.950 and 217.660, RSMo 1994, and sections 21.145, 105.267, 217.665 and 476.380, RSMo Supp. 1998

#### **HB 472 ADOPTION**

Requires all adoptive parents to submit to a criminal background check. 453.070, RSMo Supp. 1998

#### **HB 487 STATUTE OF LIMITATIONS**

Extends the statute of limitations for false affidavits and false declarations made to public officials relating to child support arrearages. 556.036, RSMo Supp. 1998

#### **HB 570 TESTIMONY PROHIBITED**

Includes chiropractors in those deemed "incompetent to testify." 491.060, RSMo 1994

#### **CCS SCS HS HCS HB 852 SEXUALLY VIOLENT PREDATORS**

Provides a means to assess persons as "sexually violent predators" when they are being released or are no longer committed and have them committed to an appropriate facility. 600.042, 632.483, 632.486, 632.489, 632.492, 632.495, 632.507 and 632.510, RSMo Supp. 1998

#### **HB 857 ATTACHMENT/CHILD SUPPORT**

Exempts Roth IRAs from attachment and execution except for the payment of child support and maintenance. 513.430, RSMo 1994